



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

APR 27 2007

Honorable Governor Bill Ritter, Jr.
136 State Capitol Building
Denver, CO 80203

Dear Governor Ritter:

Thank you for your April 11, 2007 letter expressing your desire to proceed with rulemaking to improve the management of Inventoried Roadless Areas (IRAs) on National Forest System lands within the State of Colorado. Let me assure you that USDA and the Forest Service are committed to working closely with you to insure an outcome that is mutually beneficial for the Forest Service, Colorado and the long term health of the land.

In your letter, you request clarifications and assurances regarding limitations on activities during the rulemaking and the State's ability to withdraw its petition. We can meet your needs on both counts.

As noted in your letter, the Forest Service is currently subject to the terms of the California court's injunction and order reinstating the 2001 Roadless Rule. The Forest Service must and has committed to comply with the court's orders. For the foreseeable future, all activities within inventoried roadless areas must conform to the prohibitions set out in the 2001 Rule or be within the exceptions set out within the rule itself. Therefore, the assurance you seek is already in place. Also, I will direct the Forest Service to institute a practice to notify the State of any new activities that would occur within inventoried roadless areas (consistent with the restrictions of the 2001 rule) during the review of your petition and any subsequent rulemaking. Notifications to the State will promote close coordination and assure that no surprises occur. Should the 2001 Rule be modified or overturned during the pendency of the Colorado rulemaking, the FS will execute an memorandum of agreement with the state to continue such notification, and to assure, consistent with any subsequent court order, that no activity inconsistent with the 2001 Rule will be authorized without the state's endorsement during the time necessary to promulgate the Colorado rule.

Similarly, there is no question that the State may withdraw its petition at any time. USDA is committed to working with the States in a collaborative fashion and has no interest in pursuing a petitioned rule if the State loses confidence in the outcome. Every day the Forest Service, States and other partners demonstrate their ability to work together, refine and evolve proposals, and learn from the public. This flexibility is at the heart of developing the kind of refined and informed management direction needed to guide management of inventoried roadless areas. No

law compels USDA to promulgate roadless rules. Such rules are promulgated solely at the discretion of the Secretary in an effort to meet public needs. We look forward to working with you on the Colorado petition, as modified by your April 11, 2007 letter. Our collaboration with the State will also involve granting full cooperating agency status to the State in the preparation of the Environmental Impact Statement associated with the rulemaking.

With or without a rule, the Secretary and the Forest Service will continue to fulfill their statutory duty to assure that National Forest System lands are managed to best meet the needs of the American people. The citizens of Colorado, and the nation, deserve nothing less.

I appreciate your decision to proceed to move forward and submit your petition. I look forward to working closely with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Rey". The signature is stylized with a large, sweeping "M" and a long, horizontal stroke at the end.

MARK REY
Under Secretary
Natural Resources and Environment